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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,743	06/21/2001	Mihaela Van Der Schaar	US000254	7476

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/887,743

Applicant(s)

VAN DER SCHAAR ET AL.

Examiner

Gims S Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

This is a first action in response to application no. 09/887,742 filed on June 21 2001 in which claims 1-31 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Demos (US Patent no. 5,988,863).

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Regarding claims 1, 12, and 22, Demos discloses an apparatus and method of coding video comprising the steps of coding an unencoded video with a non-scalable codec to generate base layer frames (See Demos col. 11, lines 5-52), computing differential frame residuals from the unencoded video and the base layer frames, at least portion of certain one of the differential frames residuals being operative as references (See col. 11, lines 52-56), applying motion-compensation to the at least portions of the differential frame residuals that are operative as reference to generate reference motion-compensated differential frame residuals (See col. 11, lines 62-67), and subtracting reference motion-compensated differential frame residuals from respective ones of the differential frame residuals to generate motion-predicted enhancement layers frames (See col. 12, lines 1-27).

As per claims 7, 18, and 28, Demos discloses an apparatus and method of decoding a compressed video having a base layer and an enhancement layer which operation is the reverse of the encoding operation noted above in the rejection of claims 1, 12, and 22 (See Demos fig. 9 and col. 12, lines 11-19).

As per claims 2-3, 13-14, and 23-24, Demos further discloses scalable coding the motion-predicted enhancement layer (See Demos col. 2, lines 2-10, and col. 17, lines 45-49).

As per claims 4-6, 15-17, and 25-27, Demos further codes with the motion-predicted enhancement layer frames in the subtracting step include motion predicted

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enhancement layer B-frames (See col. 15, lines 10-14), the reference motion-compensated differential frame residuals in the subtracting step include reference motion-compensated differential I and P frames residuals of reference motion compensated differential P and P frames residuals (See col. 8, lines 8, lines 5-9, lines 24-42, col. 15, lines 26-31), and the respective ones of the differential frame residuals in the subtracting step include differential B-frames (See col. 15, lines 55-67, col. 16, lines 1-4). Also see Fig. 8.

As per claims 8-11, 19-21, and 29-31, Demos further discloses the decoding method wherein motion-predicted enhancement layer in the adding step consist of motion enhancement layer B-frames, the reference motion compensated differential frame residuals in the adding step consist of reference motion compensated differential I and P frames residual or reference motion compensated differential P and P frames, and the respective one of the differential frame residuals in the adding step consist of differential B-frames (See Fig. 10, col. 15, lines 10-67, col. 16, lines 1-11 and lines 46-60).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nilsson (US Patent no. 5973739) teaches layered video coder.

Puri et al. (US Patent no. 6339618) teaches mesh node motion coding to enable object based functionalities within a motion compensated transform video coder.

Yamaguchi et al. (US Patent no. 6256346) teaches video encoding and decoding apparatus.

Parke et al. (US Patent no. 5349383) teaches two layer video signal coding.

Haskell et al. (US Patent no. 5742343) teaches scalable encoding and decoding high-resolution progressive video.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gims S Philippe
Primary Examiner
Art Unit 2613

GSP

May 14, 2004